

### § 762.3

- (8) § 748.4(a), Disclosure and substantiation of facts on license applications;
- (9) § 748.6, General instructions for license applications;
- (10) § 748.9, Support documents for license applications;
- (11) § 748.10, Import and End-user Certificates;
- (12) § 748.11, Statement by Ultimate Consignee and Purchaser;
- (13) § 748.13, Delivery Verification (DV);
- (14) § 748.2(c), Obtaining forms; mailing addresses;
- (15) § 750.7, Issuance of license;
- (16) § 750.8, Revocation or suspension of license;
- (17) § 750.9, Duplicate licenses;
- (18) § 750.10, Transfer of licenses for export;
- (19) § 752.7, Direct shipment to customers;
- (20) § 752.9, Action on SCL applications;
- (21) § 752.10, Changes to the SCL;
- (22) § 752.11, Internal Control Programs;
- (23) § 752.12, Recordkeeping requirements;
- (24) § 752.13, Inspection of records;
- (25) § 752.14, System reviews;
- (26) § 752.15, Export clearance;
- (27) § 754.2(j)(3), Recordkeeping requirements for deep water ballast exchange.
- (28) § 754.4, Unprocessed western red cedar;
- (29) § 758.1(b)(3), Record and proof of agent's authority;
- (30) § 758.3, Shipper's Export Declaration;
- (31) § 758.6, Destination control statements;
- (32) § 760.6, Restrictive Trade Practices and Boycotts;
- (33) § 762.2, Records to be retained;
- (34) § 764.2, Violations;
- (35) § 764.5, Voluntary self-disclosure; and
- (36) § 766.10, Subpoenas.

[61 FR 12900, Mar. 25, 1996, as amended at 61 FR 27258, May 31, 1996; 61 FR 65466, Dec. 13, 1996]

#### **§ 762.3 Records exempt from record-keeping requirements.**

- (a) The following types of records have been determined to be exempt

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from the recordkeeping requirement procedures:

- (1) Export information page;
- (2) Special export file list;
- (3) Vessel log from freight forwarder;
- (4) Inspection certificate;
- (5) Warranty certificate;
- (6) Guarantee certificate;
- (7) Packing material certificate;
- (8) Goods quality certificate;
- (9) Notification to customer of advance meeting;
- (10) Letter of indemnity;
- (11) Financial release form;
- (12) Financial hold form;
- (13) Export parts shipping problem form;
- (14) Draft number log;
- (15) Expense invoice mailing log;
- (16) Financial status report;
- (17) Bank release of guarantees;
- (18) Cash sheet;
- (19) Commission payment back-up;
- (20) Commissions payable worksheet;
- (21) Commissions payable control;
- (22) Check request forms;
- (23) Accounts receivable correction form;
- (24) Check request register;
- (25) Commission payment printout;
- (26) Engineering fees invoice;
- (27) Foreign tax receipt;
- (28) Individual customer credit status;
- (29) Request for export customers code forms;
- (30) Acknowledgement for receipt of funds;
- (31) Escalation development form;
- (32) Summary quote;
- (33) Purchase order review form;
- (34) Proposal extensions;
- (35) Financial proposal to export customers; and
- (36) Sales summaries.
- (b) [Reserved]

[61 FR 12900, Mar. 25, 1996, as amended at 62 FR 25469, May 9, 1997]

#### **§ 762.4 Original records required.**

The regulated person must maintain the original records in the form in which that person receives or creates them unless that person meets all of the conditions of § 762.5 of this part relating to reproduction of records. If the original record does not meet the standards of legibility and readability

described in § 762.5 of this part and the regulated person intends to rely on that record to meet the recordkeeping requirements of the EAR, that person must retain the original record.

**§ 762.5 Reproduction of original records.**

(a) The regulated person may maintain reproductions instead of the original records provided all of the requirements of paragraph (b) of this section are met.

(b) In order to maintain the records required by § 762.2 of this part, the regulated persons defined in § 762.1 of this part may use any photographic, photo-static, miniature photographic, micro-graphic, automated archival storage, or other process that completely, accurately, legibly and durably reproduces the original records (whether on paper, microfilm, or through electronic digital storage techniques). The process must meet all of the following requirements, which are applicable to all systems:

(1) The system must be capable of reproducing all records on paper.

(2) The system must record and be able to reproduce all marks, information, and other characteristics of the original record, including both obverse and reverse sides of paper documents in legible form.

(3) When displayed on a viewer, monitor, or reproduced on paper, the records must exhibit a high degree of legibility and readability. (For purposes of this section, legible and legibility mean the quality of a letter or numeral that enable the observer to identify it positively and quickly to the exclusion of all other letters or numerals. Readable and readability mean the quality of a group of letters or numerals being recognized as complete words or numbers.)

(4) The system must preserve the initial image (including both obverse and reverse sides of paper documents) and record all changes, who made them and when they were made. This information must be stored in such a manner that none of it may be altered once it is initially recorded.

(5) The regulated person must establish written procedures to identify the individuals who are responsible for the

operation, use and maintenance of the system.

(6) The regulated person must establish written procedures for inspection and quality assurance of records in the system and document the implementation of those procedures.

(7) The system must be complete and contain all records required to be kept by this part or the regulated person must provide a method for correlating, identifying and locating records relating to the same transaction(s) that are kept in other record keeping systems.

(8) The regulated person must keep a record of where, when, by whom, and on what equipment the records and other information were entered into the system.

(9) Upon request by the Office of Export Enforcement, the Office of Antiboycott Compliance, or any other agency of competent jurisdiction, the regulated person must furnish, at the examination site, the records, the equipment and, if necessary, knowledgeable personnel for locating, reading, and reproducing any record in the system.

(c) *Requirements applicable to systems based on the storage of digital images.* For systems based on the storage of digital images, the system must provide accessibility to any digital image in the system. With respect to records of transactions, including those involving restrictive trade practices or boycott requirements or requests. The system must be able to locate and reproduce all records relating to a particular transaction based on any one of the following criteria:

(1) The name(s) of the parties to the transaction;

(2) Any country(ies) connected with the transaction; or

(3) A document reference number that was on any original document.

(d) *Requirements applicable to a system based on photographic processes.* For systems based on photographic, photo-static, or miniature photographic processes, the regulated person must maintain a detailed index of all records in the system that is arranged in such a manner as to allow immediate location of any particular record in the system.